

3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,745	12/20/2000	Moshe Shavit	782.1081/RAG	4969

21171 7590 03/11/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,745

Applicant(s)

SHAVIT ET AL.

Examiner

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-7,9,10,12-14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-7,9,10,12-14 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 8, 2004 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 2, 3, 5-7, 9, 10, 12-14, and 18-21, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3, 5-7, 9, 10, 12-14, and 18-21, are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakita, Japanese Patent No. 411187126A (Translation).

5. In considering claims 5 and 12 Yamakita teaches a method of relocating data in a communication system having at least one central management server (3) and information servers geographically distributed to provide access to subscribers, said method comprising: generating at the information servers an activity log file including location data and identifiers, the location data indicating which of the information servers provided access by the subscribers to information locally accessible by the information servers and each identifier being associated with one of a communication device (2, 3b) and a person using the communication system, (page 14, paragraph 17); initially storing the activity log file at the information servers, (page 6, paragraph 6); transferring log data derived from the activity log file from each of the information servers to the central management server, (page 8, paragraph 8); automatically performing pattern analysis at the central management server based on the location data and the identifiers, (page 20, paragraph 28); and relocating private data, associated with one of the identifiers, from a first location to a second location within the communication system when the pattern analysis indicates that service can be provided more efficiently from the second location, (page 20, paragraph 28).

6. In considering claims 2 and 9, Yamakita teaches the relocating being performed automatically, (page 20, paragraph 28).

7. In considering claims 3 and 10, Yamakita teaches the pattern analysis producing results periodically (page 12, paragraph 14), and performing the relocating under manual control, (page 9, paragraph 9).

8. In considering claims 6 and 13, it is inherent in the teachings of Yamakita that a means is provided for the relocating to move at least a subscriber profile included in the private data of at least one subscriber from one of the information servers to another information server, (page 19, paragraph 25).

9. In considering claims 7 and 14, Yamakita teaches the communication system being an information services system and the information servers store and access data to provide services to the subscribers, and wherein the relocating provides a means for moving at least a subscriber profile included in the private data of at least one subscriber from one of the information servers to another information server, (page 8, paragraph 8).

10. In considering claim 18 Yamakita teaches an information services system having a data network, comprising: information servers geographically distributed to provide access by subscribers to information locally accessible by said information servers, (page 14, paragraph 17), each information server including at least one storage unit to store an activity log file including identifiers and access location identification data indicating which of the information servers provided access to the subscribers,

Art Unit: 2151

each identifier associated with one of a communication device (2, 3b) and a person using the communication system, (page 6, paragraph 6); a processor, coupled to said storage unit, to extract log data from the activity log file, (page 12, paragraph 14); and a router, coupled to the data network and at least one of said storage unit and said processor, to the log data over the data network (page 8, paragraph 8); and at least one central management server (3), coupled to the data network, to receive the log data, to automatically perform pattern analysis on the log data received from said information servers, based on the access location identification data and the identifiers, and to send instructions to said information servers to move at least a subscriber profile, associated with one of the identifiers, to a different information server when the pattern analysis indicates that service can be provided more efficiently from the different information server, (page 20, paragraph 28).

11. In considering claim 19, the teachings of Yamakita provide a means for the at least one central management server to group the identifiers of subscriber profiles into batches according to which of said information servers store the subscriber profiles associated with subscribers identified by the pattern analysis for relocation, and send each batch to an origination information server storing the subscriber profiles, and wherein the origination information server automatically relocates the subscriber profiles associated with the identifiers in the batch to at least one destination information server, (page 20, paragraph 28).

Art Unit: 2151

12. In considering claim 20, Yamakita teaches that the information to which said information servers provide access by said subscribers includes at least one of facsimile data, e-mail data, voice mail data, financial data, news and sports reports, video on demand, music downloads, and business information, including at least one of addresses, telephone numbers and hours of operation, (page 19, paragraph 26).

13. In considering claim 21, Yamakita teaches at least one storage unit storing information to which said information servers provide access by said subscribers, (page 6, paragraph 6).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith et al. U.S. Patent 6,742,033, discloses relocating data in a communication system in order to provide the data to users more efficiently.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
3/2/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER